

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA**

**v.**

**CHRISTOPHER M. SWARTZ,**

**Defendant.**

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Case No.: 5:16-cr-00264 (DNH)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, based upon the Memorandum of Law in support of claimant Orienta Investors, LLC's Motion for Reconsideration, dated January 21, 2021, and all prior pleadings and proceedings in this case, claimant Orienta Investors, LLC ("Orienta"), by and through their attorneys, Akerman LLP, will move this Court before the Honorable David N. Hurd, United States District Judge, at the Courthouse, located at 10 Broad Street, Utica, New York, 13501, at such time as the Court directs, for an Order, (i) pursuant to Federal Rules of Civil Procedure Rules 59 and 60 and Northern District of New York Local Civil Rule 60.1, seeking to alter, amend, or reconsideration of the Court's January 7, 2021 Order (Dk 259), which granted the Government's Second Motion to Dismiss and dismissed Orienta's Petition with Prejudice.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rule 7.1(a), answering memoranda, if any, shall be served by February 11, 2021, and reply memoranda, if any, shall be served by February 18, 2021.

New York, New York  
Dated: January 21, 2021

**AKERMAN LLP**

/s/ Scott M. Kessler

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